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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,724	07/03/2003	Kermit Hal Purdy	1999-138A	7303

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EXAMINER
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FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,724

Applicant(s)

PURDY ET AL.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claims Objections*

1. Claim 23 is objected to because of the following informalities: the claim 23 as written depends on claim 8, but it should depend on claim 20. Appropriate correction is required.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. **Claims 1-23** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-12, 14-16, and 18-25** of U.S. Patent No. 6,658,254. Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons:

**Regarding claim 1**, claim 1 of US '254 claims a method for completing a multimedia call addresses to a user address of a mobile user, comprising:

registering a request by the mobile user to receive a multimedia call terminal with a personal intelligent device ("PID"); authenticating and authorizing said registration request of the mobile user to receive said multimedia call at said multimedia terminal; storing a user address and a physical

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address of the multimedia terminal in a mobile user record, wherein the user address was received from the PID via the multimedia terminal; responsive to a multimedia call addressed to the user address, determining the physical address based at least partly from the mobile user record, transmitting call notification information to the multimedia terminal at the physical address; and completing the multimedia call to the multimedia terminal at the physical address. The Examiner notes that the claim 1 is a broader version of claim of US '254.

**Regarding claim 2**, claim 2 of US '254 claims the method of claim 1, wherein the call notification information includes the user address.

**Regarding claim 3**, claim 3 of US '254 claims wherein the call notification information includes a call announcement message.

**Regarding claim 4**, claim 4 of US '254 claims wherein storing a user address includes storing a PID address, wherein the PID address was received from the PID via the multimedia terminal; and determining the physical address includes determining the PID address.

**Regarding claim 5**, claim 5 of US '254 claims wherein the call notification information includes the PID address.

**Regarding claim 6**, claim 6 of US '254 claims wherein the call notification information includes a call announcement message.

**Regarding claim 7**, claim 7 of US '254 claims wherein transmitting the call notification information includes transmitting a call announcement message addressed to the PID address.

**Regarding claim 8**, claim 8 of US '254 claims wherein storing a user address includes storing a user credential, wherein the user credential was received from the PID via the multimedia terminal; and determining the physical address of the multimedia terminal includes determining the PID address.

**Regarding claim 9**, claim 9 of US '254 claims wherein the step of storing in a memory a mobile user record is performed only if the user address is determined to be authentic based at least in part from the user credential.

**Regarding claim 10**, claim 10 of US '254 claims wherein the step of storing in a memory a mobile user record is performed only if the user address is determined to be authorized.

**Regarding claim 11**, claim 11 of US '254 claims wherein the step of storing in a memory a mobile user record is performed only if the user address is determined to be authorized.

**Regarding claim 12**, claim 12 of US '254 claims wherein completing the multimedia call to the multimedia terminal at the physical address includes: receiving a second user credential; and completing the multimedia call to the multimedia terminal at the physical address only if the received second user credential corresponds to the stored user credential.

**Regarding claim 13**, claim 14 of US '254 claims a method for processing a multimedia call addressed to a user address of a mobile user, comprising: registering a request by the mobile user to receive a multimedia call at a multimedia terminal with a personal intelligent device ("PID"); authenticating and authorizing said registration request to receive said multimedia call at said multimedia terminal; associating a physical address of the multimedia terminal and a user address, the user address having been received from a PID via the multimedia terminal; responsive to a multimedia call addressed to the user address, determining the physical address based at least partly from the association of the physical address and the user address; determining that the multimedia call cannot be completed to the physical address; determining a second physical address, wherein the physical address and the second physical address are each part of a hunt group of physical addresses; transmitting call notification information to the multimedia terminal at the second

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physical address; and completing the multimedia call to the second physical address. The Examiner notes that claim 13 is a broader version of claim 14 of US '254.

**Regarding claim 14,** claim 15 of US '254 claims wherein the call notification information includes the user address.

**Regarding claim 15,** claim 16 of US '254 claims wherein the call notification information includes a call announcement message.

**Regarding claim 16,** claim 18 of US '254 claims an apparatus for completing a multimedia call addressed to a user address of a mobile user, comprising:

a. at least one means for registering a request by said user to receive a multimedia call at a multimedia terminal using a personal intelligent device ("PID");

b. at least one means to authenticate and authorize said registration request to receive said multimedia call at said multimedia terminal;

c. a processor; and

d. a memory, coupled to said processor, storing a plurality of instructions adapted to be executed by said processor to: store a user address and a physical address of the multimedia terminal in a mobile user record, wherein the user address was received from a PID via the multimedia terminal; responsive to a multimedia call addressed to the user address, determine the physical address based at least partly from the mobile user record; transmit call notification information to the multimedia terminal at the physical address; and complete the multimedia call to the multimedia terminal at the physical address. The Examiner notes that claim 16 is a broader version of claim 18 of US '254.

**Regarding claim 17,** claim 19 of US '254 claims wherein the user address storing instructions include instructions to store a PID address, wherein the PID address was received from the PID via the multimedia terminal; and the physical address determining instructions include instructions to determine the PID address.

**Regarding claim 18,** claim 20 of US '254 claims wherein: the user address storing instructions include instructions to store a user credential, wherein the user credential was received from the PID via the multimedia terminal; and the physical address determining instructions include instructions to determine the PID address.

**Regarding claim 19,** claim 21 of US '254 claims a system for completing a multimedia call addressed to a user address of a mobile user, comprising: at least one means for registering a request by said user to receive a multimedia call at a multimedia terminal; at least one means for authenticating and authorizing said request by said user to receive said multimedia call at said multimedia terminal; means for storing a user address and a physical address of the multimedia terminal in a mobile user record; responsive to a multimedia call addressed to the user address, means for determining the physical address based at least partly from the mobile user record; means for transmitting call notification information to the multimedia terminal at the physical address; and means for completing the multimedia call to the multimedia terminal at the physical address. The Examiner notes that claim 19 is a broader version of claim 21 of US '254.

**Regarding claim 20,** claim 22 of US '254 claims a medium storing a plurality of instructions adapted for execution by a processor for completing a multimedia call addressed to a user address of a mobile user, said plurality of instructions comprising instructions to: request to register said user to receive a multimedia call at a multimedia terminal via a PID; authenticate and authorize said registration request of said mobile user; store a user address and a physical address of the

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multimedia terminal in a mobile user record, wherein the user address was received from said PID via the multimedia terminal; responsive to a multimedia call addressed to the user address, determine the physical address based at least partly from the mobile user record; transmit call notification information to the multimedia terminal at the physical address; and complete the multimedia call to the multimedia terminal at the physical address. The Examiner notes that claim 20 is a broader version of claim 22 of US '254.

**Regarding claim 21,** claim 23 of US '254 claims wherein the instructions to store a user address include instructions to store a PID address, wherein the PID address was received from the PID via the multimedia terminal; and the instructions to determine the physical address include instructions to determine the PID address.

**Regarding claim 22,** claim 24 of US '254 claims wherein the instructions to store a user address include instructions to store a user credential, wherein the user credential was received from the PID via the multimedia terminal; and the instructions to determine the physical address of the multimedia terminal include instructions to determine the PID address.

**Regarding claim 23,** claim 25 of US '254 claims wherein the instructions to complete the multimedia call to the multimedia terminal at the physical address include instructions to: receive a second user credential; complete the multimedia call to the multimedia terminal at the physical address only if the received second user credential corresponds to the stored user credential.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday thru Friday from 8:30 to 5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Marisol Figueroa

  
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